SUMMARY MINUTES OF THE HERITAGE PRESERVATION COMMISSION

CITY OF SAINT PAUL, MINNESOTA

Lower Level – Room 40, City Hall/Court House, 15 West Kellogg Boulevard **January 28, 2010**

Present: John Manning, Pat Igo, Diane Trout-Oertel, Robert Ferguson, Jennifer

Haskamp, Richard Laffin, Matt Mazanec, Mark Thomas, Steve Trimble

Absent: Sherry Enzler (un-excused), April Haas (excused), Lee Meyer (excused),

David Riehle (un-excused)

Staff Present: Amy Spong, Christine Boulware, Sara Nelson

I. Approval of the Agenda – Igo, Thomas (9-0)

II. Conflicts of Interest – None stated

III. Chair's Announcements

Commissioner Manning welcomed back staff person Christine Boulware, and said goodbye to and thanked Sara Nelson.

IV. Staff Announcements

Staff person Amy Spong told commissioners to expect an email soon about possible dates for a February retreat.

V. Permit Review/Public Hearings/After-the-Fact Review

A. **95 Mackubin Street**, Hill Historic District, by Harvey Sherman, owner, for a building permit to partially remove existing two-story porch and construct a new one-story porch with second floor front addition. **File #10-010** (Nelson, 266-6715).

Staff reported the background and findings. Commissioners were shown pictures of 95 Mackubin and the matching homes on either side. The history of the porch reconstructions was explained. 89 Mackubin was restored by the applicant in 2000, 99 Mackubin was reconstructed in 2007. Both cases came to the HPC for approval (although 89 was by the Design Review Committee). Commissioners asked staff questions; Laffin inquired about stucco on the sides of 99 Mackubin.

The applicant and owner of 95 Mackubin, Harvey Sherman, addressed the Commission. He showed several pictures of houses throughout the neighborhood that have a similar footprint and façade to 95 Mackubin, but with different fenestration, doorways and porches. He stated that "there may be a historically accurate porch for 95 Mackubin, but not this house type." He believes that his proposal for the second story addition, while not original to the house could be acceptable because of other second story porches on houses in the neighborhood.

Oertel asked how much further the new addition would bump out the bay from the original façade. The existing bay projects about one foot from the façade, the new would project about six feet. Oertel stated that "this house type doesn't lend itself to a second floor porch [addition as proposed]. Laffin asked how much interior space there would be in the porch, which is about five-and-one-half feet. From his experience as an architect, the "rule of thumb is at least seven feet." He also wondered, since the façade faces east, how much light would filter through the porch into the upstairs room. Mr. Sherman replied that the existing porch is quite bright and lights up the room quite a bit. Ferguson wanted to clarify that the staff recommendation wants to see what physical evidence is found once the existing second-story porch is removed. Mr. Sherman said that he definitely knows there is evidence that the first

floor porch and footings may be original, but was not as sure about the second [in an email to staff people, Mr. Sherman said that he "would guess the siding/gable detail are still there, but I know the two big brackets in the center and the north are gone, as is the rest of the north gable rake board. I do plan to construct new brackets (to match the old existing as closely as possible) to "support" the projecting eave on the new front gable]. Laffin commended Mr. Sherman for his research and argument for similar houses with varied porches, but added that he should more closely adhere to the house's direct neighbors than stray, especially in the case of three windows versus the original two on the projecting bay. Igo asked the applicant if he had any difficulties with the staff recommendations of phased demolition and reconstruction, to which the applicant replied that he is "not trying to nickel and dime this project," but has already spent \$750,000 on upgrades to the house and doesn't want "redundant time" spent – because it is time and money he cannot afford. He encouraged the HPC not to delay his process and to not "analyze [his design] to death." He added that he understands the HPC has concerns about the second story porch, but that he wants to start reconstruction from the bottom and work up to that portion of the project.

Staff asked the applicant to clarify the footings for the existing porch. He has applied for the permit, and the inspector Greg Johnson has seen the holes for them, but the footings have not yet been installed.

Laffin told the applicant that he understands the process may take time, and has personally found that it helps to have staff come on a site visit and work with them during the process. Mr. Sherman told Laffin he raised a good point, but that "if restriction is to keep the edge of the porch where it is, it changes the entire design" in extending the bay. Commissioners wondered why, to which he replied the first story porch's roofline would look "goofy." Oertel asked if the porch wasn't extended and he adhered to the original footprint, could the second story not be rebuilt? Mr. Sherman believes that he is working toward a decision on that, and that he can keep the structure/decking with new beams and columns, which he conceded is more expensive yet more attractive.

Chair Manning asked the applicant about the staff's recommendation regarding the windows being reduced from the proposed three to match the original configuration of two. Mr. Sherman intends for the porch to be like a screened porch but with real windows. If he considered two, he would want them wider than the original.

There was no other testimony (in person or written), and the public hearing was closed. **Oertel moved to approve the staff recommendation.** She said there is a lot to learn from deconstructing the porch, and as Laffin pointed out, the house is part of a threesome, and it is more important to retain the original look of the house than stray towards other houses further away. She feels strongly that since the houses are some of the oldest in the city, it is that much more important to preserve their original integrity. **Trimble seconded the motion.** Laffin wanted to be sure that even if original evidence is found, if the applicant could have some leeway in design later on. Staff replied that yes, there could be leeway, as long as the guidelines are appropriately applied.

Chair Manning said that it is obvious the applicant cares a lot about the house and neighborhood, and that is nice to see. Ferguson added that the Mr. Sherman made an excellent case for the adaptability of the house type. He believes the picture window and low wall of the porch may not be original, but probably from the early 20th century (possibly during the period of significance). He is interested to see what can be found with more investigation, but wants to be sure the HPC has the option to OK a design that strays from the original even if evidence is found. Manning said that in the past, during the evolution of projects, at staff discretion, commissioners have been appointed to accompany them on site visits. He wondered if that could be a friendly amendment. Oertel and Trimble accepted the amendment, with Trimble adding that he understands the argument for variation, but this is a particular house with a particular history, and that just because of variation elsewhere, it

doesn't mean a second story enclosed addition is a good idea here – "Real history can be brought back to life." Commissioner Thomas seconded Ferguson's earlier comments to recognize early 20th century changes as significant.

The motion to approve the staff recommendation passed 9-0.

VI. New Business

A. **683 Summit Avenue**, Hill Historic District, by owner representative George LeTendre, for a subdivision (lot split) in order to sell the new parcel for single-family construction. (Spong, 266-6714).

Staff reported the background and findings, and clarified that the staff recommends denial, but would reconsider if conditions were met. The HPC decision will be used as a recommendation to the Planning Administrator, Donna Drummond, when considering the lot split application. Staff based their decision with the presumption that intent is to eventually build a new house on the lot. In the packet for commissioners, a proposed footprint that would follow zoning standards was included (provided by the applicant).

Igo began questions to the staff by clarifying if tonight's decision is based only on the potential lot split, or the concern of future new construction. Staff felt it was important to reflect future new construction in the recommendation, so if conditions move forward, future buyers would be made aware of them before purchasing the lot. He also inquired about the width of 701 and 705 Summit's lots, which are both 80 feet. Laffin noted that there is a sold sign at 683 Summit, and wonders if the applicant is the seller or the buyer of the property (attorney for the estate that is being sold).

George LeTendre, attorney for the estate, spoke to the commission and gave a history of the property's sale. It went on the market in January of 2009 and there was no interest for nine months. The house is vacant and its condition is deteriorating. It is estimated that the house requires about \$500-600,000 in repairs. Since September 2009, there has been a purchase agreement on the house, contingent on the lot split. The current buyers are OK with the lot split, but not willing to continue if the size of the proposed lot at 683 were decreased any more. Mr. LeTendre stated that the original lot for 683 Summit was 60 feet in width, and three lots across the street have widths of 40 feet. The applicant stated that "the deal will fall apart if conditions must be met." In regards to the potential for an easement from the church for access to the lot from the rear, he said that the church would have no urge to OK it. He stressed that a curb cut "is a must." He stated that there is precedent for curb cuts on Summit, specifically at 880, which staff replied is the only cut they are aware of the HPC approving on the street in the last ten years.

Trimble wondered if the applicant has approached the church to see if an easement is possible. Mr. LeTendre replied that he has only spoken to one member, who believes they would not allow an easement. Manning spoke up to say that he is a member of the church, and as a member, he can't imagine what the church's reaction would be (whether they would or would not be in favor of an easement) and is surprised that another member would be so sure in thinking that. Trimble added that the applicant should ask officials at the church before proceeding with the plan for a curb cut. Haskamp wondered what the zoning code was when it comes to not allowing a lot split without off-street parking access. The applicant received that information from PED Zoning staff, Paul Dubruiel. Laffin pointed out that although the proposed footprint shows the existing trees remaining in place, it is likely they would die within a few years of any new construction on the site because of the soil and roots being disturbed. The trees are as big as they are because there has been so much room for the roots to spread out. Mr. LeTendre conceded that with a 40 foot house, the trees could assuredly die. HPC Staff Amy Spong referred to Mr. LeTendre's earlier statement about houses on smaller lots. Zoning staff person Allen Torstenson looked at lot widths on either side of Summit Avenue between Grotto and Dale to determine the average width of lots. The scale is smaller than that mentioned in the National

Register District because that district's makeup of building stock is so broad. Development patterns on Summit differ greatly due to progression through time, and fact that the house types vary so greatly – from row houses to mansions. Staff wanted to confine what the lot split be compared to because of the proximity to three pivotal, important mansions. Spong added that she understands that the space looks like a void and something should go there, but it is difficult to reconcile a narrow lot without the depth to make up for it.

Oertel wondered about condition two, referring to the curb cut. If the Planning Administrator kept the HPC recommendations, and took zoning code, etc, into consideration, could a preliminary letter be sent out to have the applicant do exploratory work to determine if an easement is possible? It should not be set in stone by the HPC that a curb cut is not allowed if an easement isn't, either. Haskamp wondered about the legality of not allowing a curb cut. She added that it is hard to approve based on another property owner's potential negotiation (church easement). She also wondered about the timing for the City to comment/approve. Planning Administrator Drummond spoke to say that she is not completely clear on this portion of the zoning code, but from what her staff has told her, this is not the same as the 60 + 60 rule, and they do have 120 days to comment. Manning then said that given that information, if it evolves that there will be no easement, the HPC and Zoning's views on a curb cut could change. Drummond said that it is OK to craft the HPC recommendation however they'd like, since it is only a recommendation, but there could be a way to phrase it so if a different recommendation/decision is possible if no easement available.

Trimble moved to make a motion on the staff's recommendation, Laffin seconded. Igo said he shares Haskamp's concerns and agrees there should be wording to reflect the possibility of allowing a curb cut in the future. Manning said they could decide to remove #2 altogether, or rephrase it to say a curb cut could be possible if other options do not pan out. Trimble wondered that if there is no deal with the curb cut now, if someone came forward with plans to build on the lot in the future, then what? Staff was not sure, but the other instance referred to earlier, at 880 Summit, came to the HPC with plans for the new construction, curb cut, and lot split at the same time. Manning and Igo agreed that the item should be reworded to be more affirmative. Trimble and Laffin were comfortable with the friendly amendment.

Manning asked staff if the new construction could have an attached garage. Guidelines say that garages in the district should be detached, but if attached, it should be appropriately sited, designed, and out of public view. Different setbacks would apply, possibly requiring a variance. An attached garage was allowed at another lot split on Summit, but it had alley access. Manning concluded the discussion by saying that the other conditions do a good job of balancing a difficult challenge, and adjusting the curb cut condition seems wise.

Ferguson wondered about the rhythm and spacing mentioned in condition #1. He understands why the new buyers would want the trees on their land, but it would not happen with staff recommendations. It was restated that the trees will likely die with new construction, no matter what side of the property line they will ultimately lie on. Staff understands the desire to preserve the old trees, but HPC does not comment on landscaping. Manning added that even if trees survive construction, the recommendation is not presuming the trees will come down. Mazanac referred to staff person Spong's comments about it looking like there is a void on that block, but wondered if another dwelling would make it feel *too* compact. Other blocks have larger lots and show that significant intent, contributing to the character of those blocks. Oertel said that she was having a hard time with this item because it is impossible to know if a structure can be constructed here with a positive effect. The HPC has seen new construction on Summit work before, as well as not work. She added that she'd like to see the wording rephrased in condition #2. She understands staff concerns that future buyers should know there are limitations to design, but they are not set in stone. There was some question as to whether the conditions were too rigid; staff felt that since the guidelines are more flexible, it was important to

set out clear parameters so new construction will fit in with surrounding structures. Commissioners wondered if recommendation #4 should be removed, as Igo pointed out that since there is no buyer yet, there is no idea of what is being built there. Spong's concern is that new buyer's plans and ideas could majorly conflict with the HPC's guidelines, late in the process. Zoning and HPC staff agreed that parameters be set now in order to make potential buyers aware of limitations of potential construction design. Spong stated that she felts strongly about the setback condition; massing of the new house should be compatible with 683 Summit in width. Laffin added that he appreciates the staff recommendation because future owners understand their struggles and/or opportunities. Ferguson appreciated wording such as "reflect" and "similar" in condition #4 rather than "exactly."

The commission voted on the motion, with the friendly amendment to #2 added. The motion passed 7-1 (Mazanac against)

VII. Committee Reports

A. 3M Committee update (Trimble)

Trimble stated that he is an alternate to Jane Prince on a new workgroup for the Advisory Committee. The Design Guidelines Workgroup is working through the different design overlays, such as zoning, Secretary of the Interior's Standards, etc, to make sense for the committee. Trimble added that it is a slow process to get through the different facets, and that he would like to remain on the main advisory committee and another commissioner take over for the workgroup. His role on the workgroup is just as an alternate, and not as an HPC representative. Amy Spong has been attending the meetings until the HPC appoints another commissioner to attend the meetings. In part of the HPC resolution regarding the 3M site, Council President Lantry is supposed to appoint a new HPC member to replace the position that Paul Larson held. Commissioners wondered, since he lives on the east side, if Mazanac would be available. He said he could do it, but it will require Lantry to make the appointment. Spong added that an architect is not necessary for this position.

B. Public Safety Building update (Manning, Igo)
Staff person Spong told commissioners that she received word from PED staff Marie Franchette
that HUD is asking the City to provide the process to determine which three buildings will
undergo designation studies. They want the process solidified and buildings to be designated
identified prior to closing. The Preservation Alliance of Minnesota and the State Historic
Preservation Office must concur on the buildings, too.

Adjourn – 7:18

Submitted by: Sara Nelson